

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE UNITED STATES OF AMERICA

AND

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

CONCERNING

COOPERATION IN THE AREA OF THE PREVENTION OF PROLIFERATION
OF WEAPONS OF MASS DESTRUCTION,

AND

THE PROMOTION OF DEFENSE AND MILITARY RELATIONS

The Government of the United States of America and the Government of the Republic of Lithuania, hereinafter referred to as the Parties,

With a view to countering the proliferation of weapons of mass destruction, and technology, materials, and expertise related to such weapons;

Desiring to prevent the unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related materials;

Desiring to promote co-operation between the Government of the United States of America and the Government of the Republic of Lithuania in the area of defense and military relations;

Have agreed as follows:

Article I

The Government of the United States of America may, as appropriate, assist the Government of the Republic of Lithuania in achieving the following objectives:

- a. countering the proliferation of weapons of mass destruction from the Republic of Lithuania, and technology, materials, and expertise related to such weapons;
- b. preventing the unauthorized transfer, including transit and transportation of nuclear, biological or chemical weapons and related materials;
- c. promoting defense and military relations, including but not limited to, regular meetings between senior and mid-level military officials, visits and exchanges, and other bilateral contact activities;
- d. such other activities as are mutually agreed in writing by the Parties.

Article II

1. The Parties, through their Executive Agents, may enter into implementing agreements or arrangements as appropriate to accomplish the objectives set forth in Article I of this Agreement.
2. In case of any inconsistency between this Agreement and any implementing agreements or arrangements, the provisions of this Agreement shall prevail.

Article III

Each Party shall designate an Executive Agent to implement this Agreement. For the Government of the Republic of Lithuania, the Executive Agent shall be the Ministry of National Defense. For the Government of the United States of America, the Executive Agent shall be the Department of Defense.

Article IV

Except as otherwise provided in this Agreement or in an implementing agreement, the terms of this Agreement shall apply to all equipment, supplies, materials or other goods, technology, training or services provided in accordance with this Agreement or implementing agreements, and to all related activities and personnel.

Article V

1. The Government of the Republic of Lithuania shall facilitate the entry and exit of employees of the Government of the United States of America and contractor personnel of the United States of America into and out of the territory of the Republic of Lithuania for the purpose of carrying out activities in accordance with this Agreement.

2. Aircraft and vessels, other than regularly scheduled commercial aircraft and vessels, used by the Government of the United States of America in connection with activities pursuant to this Agreement in the Republic of Lithuania shall be free of customs inspections, customs charges, landing fees, navigation charges, port charges, tolls, and any other charges assessed on the territory of the Republic of Lithuania.

3. If an aircraft other than a regularly scheduled commercial aircraft is used by the Government of the United States of America for transportation to the Republic of Lithuania, its flight plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft, including in the remarks section of the flight plan a confirmation that the appropriate clearance has been obtained. The Government of the Republic of Lithuania shall provide, at no expense to the Government of the United States of America, parking, security protection, servicing, for aircraft of the Government of the United States of America.

Article VI

Unless the written consent of the Government of the United States of America has first been obtained, the Government of the Republic of Lithuania shall not transfer title to, or possession of, any equipment, supplies, materials or other goods, technology, training or services provided pursuant to this Agreement to any person or entity, other than an officer, employee or agent of a Party to this Agreement and shall not permit the use of such equipment, supplies, material or other goods, technology, training or services for purposes other than those for which they have been furnished. The Government of the Republic of Lithuania shall take all reasonable measures within its power to ensure the security of equipment, supplies, material or other goods, technology, training or services provided pursuant to this Agreement and shall protect them against seizure or misuse.

Article VII

1. The Government of the Republic of Lithuania shall, in respect of legal proceedings and claims, other than contractual claims, hold harmless and indemnify the Government of the United States of America and its personnel, contractors, and contractors' personnel, for damages to property, or death or injury to any persons in the Republic of Lithuania, arising out of activities under this Agreement.

2. The provisions of this Article shall not prevent the Parties from providing compensation in accordance with their national laws.

3. Nothing in this Article shall be construed to prevent legal proceedings or claims against nationals of the Republic of Lithuania or persons ordinarily resident in the Republic of Lithuania.

Article VIII

The activities of the Government of the United States of America under this Agreement are subject to the availability of appropriated funds.

Article IX

Military and civilian employees of the Government of the United States of America present in the territory of the Republic of Lithuania for activities related to this Agreement shall be accorded privileges and immunities equivalent to those accorded administrative and technical staff personnel in accordance with the Vienna Convention on Diplomatic Relations of April 18, 1961.

Article X

1. The Government of the United States of America, its personnel, contractors, and contractors' personnel shall not be liable in connection with activities under this Agreement, to pay any tax or similar charges assessed within the territory of the Republic of Lithuania.

2. The Government of the United States of America, its personnel, contractors, and contractors' personnel may import into, and export out of, the Republic of Lithuania any equipment, supplies, material or other goods, technology, training or services required to implement this Agreement. Such importation and exportation of articles or services shall not be subject to any customs inspections, and shall be exempt from any license, other restrictions, customs duties, taxes or any other charges assessed within the territory of the Republic of Lithuania.

Article XI

In the event that the Government of the United States of America awards contracts for the acquisition of articles and services, including construction, to implement this Agreement, such contracts shall be awarded in accordance with the laws and regulations of the Government of the United States of America. Acquisition of articles and services in the Republic of Lithuania by or on behalf of the Government of the United States of America in implementing this Agreement shall not be subject to any taxes, customs duties or similar charges assessed within the territory of the Republic of Lithuania.

Article XII

Upon written request provided thirty days in advance, representatives of the Government of the United States of America shall have the right during the period of this Agreement and for three years thereafter, to audit and examine the use of any equipment, supplies, material or other goods, technology, training or services provided in accordance with this Agreement, at sites of their location or use, and shall have the right to audit and examine all records or documentation related to the use of equipment, supplies, material or other goods, technology, training or services provided by the Government of the United States of America in accordance with this Agreement.

Article XIII

This Agreement shall enter into force when the Parties notify each other in writing of having completed their domestic legal requirements needed for the entry into force of the Agreement and shall remain in force for seven years. This Agreement may be amended or extended by the written agreement of the Parties and may be terminated by either Party upon ninety days written notification to the other Party of its intention to do so. Notwithstanding the termination of this Agreement or the implementing agreements, the obligations and rights of the Parties in accordance with Articles VI and VII of this Agreement shall continue to apply without respect to time, unless otherwise agreed in writing by the Parties. Notwithstanding the termination of this Agreement or the implementing agreements, the rights of the United States of America under Article XII shall continue to apply in accordance with the terms of that Article.

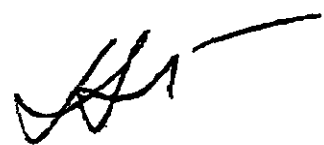
Done at Vilnius, this 10 day of October, 2002, in duplicate, each in the English and Lithuanian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA



Ian Brzezinski
Deputy Assistant Secretary for European and
NATO Affairs

FOR THE GOVERNMENT OF THE
REPUBLIC OF LITHUANIA



Linas Linkevičius
Minister of National Defense